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THE WELLS MEMORIAL.

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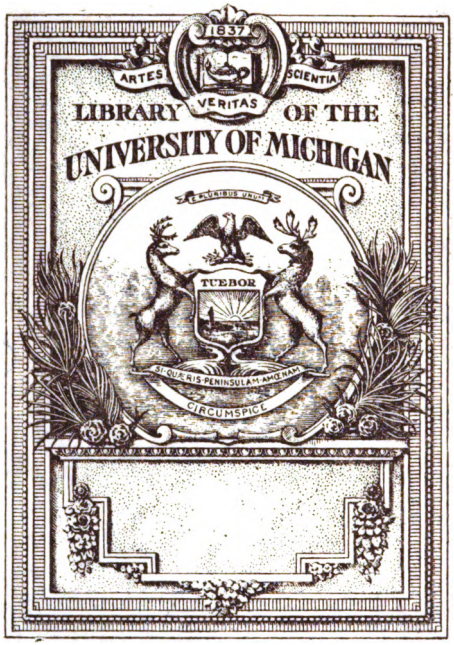

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THE WELLS MEMORIAL

CONSISTING OF ADDRESSES BY

PROFESSOR J. C. KNOWLTON

PRESIDENT J. B. ANGELL

PROFESSOR LEVI T. GRIFFIN

TO WHICH IS ADDED A

RESPONSE TO A TOAST ON SPAIN

BY THE LATE

PROFESSOR WM. P. WELLS

ANN ARBOR
ARGUS BOOK AND JOB ROOMS
1891

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ERRATUM.—The title over the address by Professor Wells in response to the toast, "Spain," on page 21, which reads "Address by Professor Griffin," is a misprint, and should read, "Response to the toast, 'Spain'."

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PREFACE.

AT a recent unveiling of a portrait of the late William P. Wells, in the law lecture room, Prof. Knowlton delivered an address upon the life and services of our lamented Professor. President Angell followed with some informal words, in which, after speaking with much feeling of our late Professor, he expressed the hope that Prof. Knowlton's address might be put in accessible form. This wish, which was shared in by all who attended the exercises, has prompted us to prepare this pamphlet. The President also made pleasing recurrences to the toast response of Professor Wells at the Palmer banquet in 1889. The toast was as follows:

> "SPAIN: Her stately language, her romantic poetry, her proud nobility, her mediæval grandeur and transatlantic colonies, the charm of the Moorish Alhambra, her daring navigators, her skilled workers in copper and leather and tempered steel, the modern eloquence of Castelar in her aspirations for constitutional government, the splendor of the past and the hopes of her future, form a fascinating volume in the history of nations. Her impress on our own soil will last as long as the Sierra Nevada shall lift its snowy summits and Florida bloom with flowers."

After giving the above toast, President Angell said: "I know of but one man who can add anything to that eloquence, and that is the Hon. William P. Wells." Then followed the response by Professor Wells, which we have incorporated.

In addition to the address of Professor Knowlton and the remarks of President Angell, we have inserted the touching tribute that fell from the lips of Professor Griffin at a meeting of the Detroit Bar Association.

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We take occasion here to express our gratitude to the Hon. and Mrs. Alfred Russell for speeches and reminiscences sent us, and for the cordial and friendly manner in which all our communications have been received by them. We are also indebted to President Angell and Professors Knowlton and Griffin for wise counsel and willing assistance given to help make this little publication in keeping with the object for which it was intended.

We have listened with greatest pleasure and lasting profit to the lectures of Professor Wells; we have heard others speak of him in fervent terms; we have heard *him* speak; we shall hear him speak no more. Time may dim on the tablet of our minds the things which we have heard; so we want something in tangible form to take with us to our homes; something to recall our pleasant relations with Professor Wells at the University of Michigan. As students we find it impossible to express our love for him—our sorrow in his death.

> "There are billows far out in the ocean
> That never will break on the beach,
> There are waves of human emotion
> That can find no expression in speech."

HENDERSON F. JOHNS.
AUSTIN C. GORMLEY.

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THE LATE WILLIAM P. WELLS.

BY PROF. J. C. KNOWLTON.

An address delivered before the Webster Society at the Unveiling of a Portrait of the late Prof. Wm. P Wells, June 5, 1891.

STUDENTS AND FRIENDS OF PROFESSOR WELLS:

You will excuse the personal remark that this occasion is something more to me than the formal recognition of one of the saddest events in the history of the Law Department of this University. The thoughts that come to me most readily are remembrances of the exercises in this room thirteen years ago, when I sat in these seats, as a student of the class of '78, and received from Professor Wells instruction in elementary law. I have been associated with him, in later years, in the trial of causes and as a member of the Faculty of this Department, but it is the early relation of Professor and student that is most vividly impressed upon my mind at this hour, and causes me to feel too keenly the

"Bitter constraint and sad occasion dear."

You have very appropriately selected, as one of the closing exercises of the college year, the unveiling of the portrait of one, who had been your teacher in law and who on the 4th day of March last "fell in battle," in the profession which you have chosen for your life work. We well remember how the shock came upon us in this room, while listening to a lecture by Professor Griffin, that Professor William P. Wells, who a few days before had lectured from this rostrum, apparently in full vigor, had suddenly passed

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away. Devoted to his profession, he had appeared before the Court when prudence forbid; had forcibly and clearly presented his client's rights, and then sank in death with his associate attorneys about him and within the bar where he had won his laurels.

Not too often is it said that the law is a jealous mistress. To the successful advocate she allows no time and little rest. Your preparatory work, gentlemen, may have seemed at times somewhat exacting, but in the future your days will often meet with no night intervening, and those of you who rise to eminence must be willing to respond to the calls of your profession at the expense of meeting death, if need be, as your beloved professor did, with brief in hand.

It is hardly necessary at this time to state chronologically the events of which you have been so recently acquainted. Out of the details come to us a vivid impression of a New England school boy in 1845 at St. Albans, which place was to him in later years a

"Sweet, smiling village, loveliest of the lawn."

Then a student at Burlington in the University of Vermont, then a law student at Harvard, and then a young man well stored in mind and body and filled with an ambition to impress his name on the western horizon. More than thirty-five years have passed and how completely that worthy ambition was realized is well understood from the severe shock felt by an entire commonwealth, when the sad and unexpected news of his death came to us.

It may be of value to us, who are about to enter upon the practice of the law, to glance at the formative influences in the life of Professor Wells. A young man's character is generally shaped by his environments. Henry Drummond has well said, "We can estimate these early influences in a particular case with but small imagination if we fail to see how powerfully they also have moulded mind and character, and in what subtle ways they have determined the course of the future life."

In 1852 every serious New England mind was in deep trouble. The great national questions which have been set-

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tled by the civil war were then being fought out in the halls of Congress and in every school house of New England. The eloquent and memorable speech on "The Constitution and the Union," delivered March 7, 1850, was being read and re-read by every citizen North and South. Those prophetic words, "Secession! Peaceable Secession! Sir, your eyes and mine are never destined to see that miracle," were ringing in the ears of an entire people. It is not strange that a young and receptive mind, educated in such an atmosphere, should have shown a life-long devotion to Constitutional History and Constitutional Law.

Mr. Wells determined to become a lawyer, and having finished his literary course he sought a legal education. The science of law was before him. It was to be found in the books, but most of the books that come to your assistance were not at his command. They had not been written. Comparatively speaking, his aids to the study of law were few. Of the text books, in which instruction is given in this department, Blackstone's Commentaries was the only work at his service. The names of Story, Kent, Chitty and Greenleaf were familiar to the profession, but Parsons, Washburn, Cooley, Bishop, Wharton, Pomeroy,—I stop, for there is no end,—were unknown as authors. The result of their researches came later. They have been writing while active practitioners like Professor Wells have been making and unmaking legal principles.

As a student at law he enjoyed its original sources. They were thoroughly explored. While he had not the advantages which you possess of reading the many special treatises which are standard works to-day, he was not confronted with the temptation which embarrasses you, viz., to learn a little from many authors but nothing of permanent value from any one. His mind was trained to accuracy and thoroughness when there was the greatest faith in the maxim, "Beware of the lawyer of one book."

With Blackstone in hand he came to the study of the science of law. Two ways were open before him, one through the lawyer's office, the other through the law school. A few

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weeks were spent in an office, but as a law clerk his opportunities for reading were frequently interrupted; his habits of study became desultory; his time was being wasted. The young but disciplined mind called for a more methodical system of instruction.

The law schools of New England were not numerous. The Litchfield school, the national law school, during the first quarter of this century, and distinguished for the works of Reeves and Gould, had closed its doors. The Harvard law school had risen to great prominence. The lectures which had been there delivered by Joseph Story and Simon Greenleaf, and already published for the use of the profession, on the subjects of Evidence, Constitutional Law and Equity Jurisprudence, had rendered the institution famous. Attracted by these names Mr. Wells entered Harvard in 1852 as a student at law. Though these great men were no longer actively connected with the faculty of law in that University, still their method of instruction remained. There was, at that time, however, one member of the Harvard faculty, an instructor of local reputation only, delivering lectures on the law of contracts, who is to-day known to all educated men. There is no name more familiar to the practitioner and student at law than Theophilus Parsons; no term more common-place than Parsons on Contracts. Let the alumni of this Department turn to the archives of Harvard University and they will learn that the elementary principles of contract law, which they received from Professor Wells, he in 1853 and 1854 received, as by tradition, from the lips of Theophilus Parsons.

There is much to learn of a man from his books, but there is more from personal contact. The influence of mind upon mind is potent in the development of character, and association with great minds is a liberal education. Professor Parsons was a noble man and a master in the science of law. As a lecturer he was noted for his power of impressive statement and his ability to fix and hold the attention of his students. We have noticed the same qualifications in Professor Wells, who had obtained from his master not only an

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accurate knowledge of legal principles, but also the rare accomplishment of imparting this knowledge to others. Much must be credited to the fact that in the formative period of his life he was guided through the labyrinths of the law, led by the hand, by one of the grandest men in the history of American jurisprudence.

In the summer of 1854 Mr. Wells stood on life's journey where many of you stand to-day. He had finished his college course and been admitted to the bar. A year of unrest was spent at St. Albans, Vermont. He was gathering courage to go West and grow up with the country. The courage came and the winter of '55 and '56 found him located in the city of Detroit practicing law.

Perhaps you, too, are discouraged at the outlook before you. While you have been obtaining an education everybody has been for you, and now that you are seeking a livelihood everybody is thought to be against you. The world is exceedingly busy and nobody seems to appreciate the need of your assistance. The sea of life that reaches out before you looks cold and treacherous. Were Professor Wells here to-day to give you words of encouragement he could say from his experience only one thing. Don't stand waiting for some fortuitous event to remove your embarrassments. These must be overcome by your own hand. A Christian gentleman, well prepared in law, of average ability and the requisite determination, can keep his head above the surface in any community. It is the neglect to fix a purpose, it is hesitancy, doubt and fear of imaginary evils, more than anything else, that blocks the road to success.

Professor Wells located at Detroit at a time when Michigan was at the beginning of a period of active litigation. The State had but recently adopted a new constitution, which gave rise to many questions. Titles to property were still unsettled. The body of the common law had been adopted but not interpreted and applied to the new conditions. There was a plenty to do, and he entered at once into active practice. He formed a business relation with James V. Campbell, then a young attorney of a few years'

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practice. Soon after he made the acquaintance of three other young men at the bar, Thomas M. Cooley, Charles I. Walker and Charles A. Kent. Cooley, Campbell, Walker, Kent and Wells—*then* young practitioners at the bar of the State, *to-day* the five great names in the history of this institution. The success and fame of the Department are theirs. Their names are to us what the names of Parker, Story, Greenleaf and Parsons once were to Harvard.

A review of Professor Wells' achievements at the bar and of his public life must be hurriedly passed by. His record as a practitioner is found in eighty volumes of our Supreme Court Reports. About eighty-four volumes are now published, and at the very beginning of our reports, in volume 4, we find the first record of his appearance as attorney before the Supreme Court of the State. This was in January, 1857, and it is interesting to note that the case then considered involved a discussion of the law of negotiable paper, one of the subjects upon which you have received lectures from him during the present year. We shall feel deeply the loss of his services in a field of the law in which he had been actively engaged for over thirty years, and which he so thoroughly understood. From his experience he could give us more than we can find in the books.

As a public man he took an active part in the discussion of all important state and national questions. In politics he was a candid but firm believer in Democratic doctrines. In his view of the Federal Constitution he was not a strict or liberal but a rational constructionist. Once convinced, however, that there had been a transgression of private right by legislative power, few men could point out to the court more clearly than he the precise boundary line that had been overstepped. Here was his greatest strength. His perfect familiarity with the early institutions of this country, which developed our constitution, gave him a broad basis for discussion which could not be undermined. Here was his greatest worth to our political society. During the long struggle over the serious national questions which sprang up at the close of the war, he was repeatedly found on the

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stump and before the court, battling for the rights of the citizen and the state against the encroachments of federal power. Among his best known efforts in this line are his arguments on the constitutionality of the War Confiscation Acts, heard before the Supreme Court of the United States in '69 and '70, wherein he contended for the humane principle, that the confiscation of private property is not within the limits of modern and civilized warfare.

Differ with him in his views, as some of us may, this much must be conceded, that we who are to-day in the enjoyment of civil and political rights are greatly indebted to that body of men, among whom he was a leader, who during that trying period of our history stood up before the people and held in check the centralizing forces of government, until the wounds were healed and conscience and heart had subdued the vindictive spirit; until prudence had displaced rashness and a disordered society had passed under new and more favorable conditions.

Prof. Wells commenced his work in this Department in the college year '74–'75 as Kent Professor of Law. The Faculty then consisted of Professors Cooley, Campbell, Kent and Wells, who for many years and unassisted shared the labor of instruction. Their fame as law lecturers soon extended beyond the limits of this state, and under their hands was established a national law school. During Professor Wells' period of service marked changes have been made. The Department has taken possession of this entire building. The University Library has been moved out and the Law Library has taken its place and has doubled in size. Text book instruction has been introduced. The lecture course has been graded. The feature of special lectures and the Master's Course have been added to the curriculum, and the enrollment of the school has risen fron 345 to 587. What a field! What an opportunity for doing good in spreading legal truth where it would take deepest root and be of greatest value to society! No member of the Faculty appreciated and enjoyed this more thoroughly than he, and no man was more conscientious in the performance of duty.

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During his period of service several thousands have heard his lectures. They are to-day practicing their profession and filling positions of confidence and trust in every State in the Union, and many have received from him the principles of American Jurisprudence to carry to foreign lands.

We all remember Professor Wells as possessing certain personal characteristics which can not be overlooked. As a member of society he was a dignified, courteous gentleman, but not what may be called a hail fellow well met. When once met, however, and understood, you were greeted with a warm heart and open hand. His confidence and sympathy were never denied to a deserving man. Caring but little for society, absorbed in his work, he made no effort to extend his acquaintance. Through his life he sustained that natural reserve which comes of good breeding. He did not wish to make a personal friend of every man he chanced to meet. He exercised remarkable care in choosing his companions. He was guided by the truth—"evil associations corrupt good manners." The fellowship of active and cultivated minds he enjoyed. Were we to name those who knew him best, you would recognize the prominent men in the history of the State, men noted not only for their intellectual worth, their liberal education, their valuable public services, but also for the purity of their lives. Among such men he had a large and intimate acquaintance throughout the Northwest.

As an advocate at the bar Professor Wells has left an enviable reputation. He was eminently successful, and won his causes without resort to any practices unbecoming a Christian gentleman. Within the bar he lived up to the highest standard of propriety. His manners were never unbalanced. In the heat of contest he maintained his self-respect and at the same time treated his adversary with becoming courtesy. His personal appearance and conduct were exceedingly severe and precise. There was none of that lawlessness, carelessness of surroundings, which attorneys too frequently indulge in, and for which the bar of this country once received a cutting rebuke at the hands of Charles Dickens.

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Before the court and jury he was a dangerous adversary. His commanding personal presence; his strong but melodious voice, and his well chosen, eloquent words were often enough to carry a verdict beyond the evidence. These, however, were only natural gifts. But to these were added a mind trained by long years of severe discipline and stored with all that a most liberal education in literature, science and the arts could give; still more, a mind quickened and polished by constant contact with the most intellectual men of his time. Out of these acquirements came a clearness of logic and a power of illustration that rendered his speeches before court and jury the most finished and forcible at the bar.

Of all practitioners of his day Professor Wells was a most serious advocate. He was not witty or quick at repartee. He heartily enjoyed all innocent pleasantry, but to him the court room was not a play ground. He could never see the humorous side of a law suit. He never tried to amuse the crowd outside the bar. He never courted that cheap popularity which too often comes to a lawyer in the trial of causes from banter and buffoonery. To him a law suit was serious business. He did not care for the juryman's laugh. He only sought a verdict through the juryman's conscience and his heart.

This serious trait of mind is noticeable in all of his public utterances. In his speeches at the bar and on the rostrum, in his occasional addresses and in his lectures there is an absence of wit and humor. This trait was not acquired or assumed. He received it as a heritage from the New England character of fifty years ago, when Daniel Webster, standing in the United States Senate, was as a public speaker the model for all New England youths. Read the six volumes of speeches handed down to us from that great man, and you will look in vain for the light or frivolous; you will find little or no traces of wit. Every paragraph contains a valuable but serious thought beautifully expressed. To this man more than any other was Prof. Wells indebted for his excellence of manner and style as a public speaker. He could not be

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humorous, for he had been trained after one of the great masters in modern oratory to think and speak in earnest; to convince his hearers by the soundness of his reasoning, rather than by any play of wit.

And I may say to those of you who have been attracted by the temporary victory often accorded to the power of producing a laugh within the bar, that while men enjoy being amused, their verdict must be reached through serious thought.

Professor Wells showed a remarkably exclusive devotion to the law. The lucrative incidents, such as real estate dealing, insurance and collection business, did not tempt him. The emoluments of political office were not his. He was in the purest sense a lawyer. But this devotion was not narrowed to simple court room practice. It extended to law as a science. This is what induced him to spend fifteen years of his life discussing and teaching the principles of that science within the halls of this institution. In 1887, when the Literary Department was temporarily without a lecturer on constitutional history and constitutional law, an appeal was made to him, and although engaged at the time in an active practice, he accepted the call, at a financial sacrifice he could ill afford. So bound down was he in his love for the study of the law that all other considerations were turned aside that her demands might be filled.

In his later years much of his best thought was given, in the interest of society and good government, to the advancement of his profession. He was, as you know, one of the earliest members of the American Bar Association, organized in 1878, and through the remainder of his life that body had the benefit of his counsels. In his lectures here he frequently urged upon students the importance of not overlooking their duty to the profession as an honorable calling. The necessity of reform in legislation, in the administration of laws and in procedure and practice, were insisted upon, and we were again and again reminded of the obligations arising from the lawyer's relation to the State. In June, 1889, his closing lecture in this Department was on the subject, "The

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Functions and Responsibilities of the American Bar," and just one year ago he delivered from this rostrum a farewell address to the graduating class—the class of '90—upon the subject, "The Relation of Lawyers to the Reform of the Law." What grand themes to present to a body of young men about to assume in society the obligations of a lawyer and a citizen! What a loss! Death snatched from us his valuable services, just at the time when his judgment was ripest, his counsels the wisest, and his influence over us as students the most potent for good.

Can we safely touch upon his marked ability as a law lecturer in this Department, or upon the severance of that personal relation which you so deeply feel at this hour?

Here more than elsewhere came to his assistance those accomplishments which he had secured through a liberal education, a large experience and extensive reading. We remember the earnestness but caution with which he approached all questions and, a conclusion having been reached, the clearness and force with which it was expressed. More than this, he was able, from his experience, to winnow the chaff from the wheat and give you only those principles of law which were essential to an understanding of the subject as a whole and which would be of practical value to you in your professional life. These he presented with a power of impressive statement rarely equalled. Through his well chosen words, his clearness of thought, and his ability to illustrate the old law by reference to existing conditions, he gave freshness and life to every principle announced.

In the delivery of his lectures he maintained his usual dignity and courtesy and showed a cultivated taste which observed the fitness of things. The fire of the orator, burning within him, was smothered. He was generally plain and candid in his statements, but earnest; succinct, but clear. Occasionally, however, while discussing constitutional questions before you, he was, by the importance of his subject, lifted up above the didactic style of a law lecturer; then through a dramatic setting of law and fact he would rise to a conclusion in his most eloquent words and "snatch a grace

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beyond the reach of art." At such times there was no need of pencil or paper. You could not take his words. You could not forget his thoughts.

But to us Professor Wells was something more than a lecturer. He was a teacher, and you and I were his scholars. It is in this relation that we knew him best. Here he exhibited those rare personal qualities for which he was most admired by us. His demeanor toward all young men who came under his instruction, his patience, his uniform kindness, his delicate sympathy, his anxiety and hopefulness for their future, in a word, his active love, have endeared his memory to us and to the thousands of young men who have passed from these walls. No more need be said by us to indicate the loss we feel. Burdened with sorrow, conscious of his greatness among us, you have unveiled this beautiful likeness to be hung on the walls of this institution for years to come, as a constant reminder of Professor Wells' valuable life; his long service in the Law Department of the University of Michigan; his devotion to law as a profession and a science, and above all, his active, unselfish love for the students who sat at his feet.

BY PRESIDENT J. B. ANGELL.

Remarks made before the Webster Society at the Unveiling of a Portrait of the late Prof. Wm. P. Wells, June 5, 1891.

President Angell spoke substantially as follows:

"I come here with no studied words to-night. I come to testify by my presence rather than by any formal speech my respect for my old friend and colleague. After listening to the felicitous address of Professor Knowlton, which with loving hand, but without exaggeration, has sketched the life and services of Professor Wells, I feel that few words need be uttered by me.

I suppose that I had the pleasure of knowing Mr. Wells earlier than any one present except the members of his

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family. As he was a graduate of the University of Vermont, with which I was connected before I came to Michigan, I used to see him on his occasional visits to his native state. And when I came here, he was among the first to give me a cordial welcome. Thus was begun a friendship which I dearly prized and which continued unbroken till his death. Although I did not go to Vermont until fourteen years after his graduation, I found the traditions still fresh of the remarkable gifts as a speaker which he displayed in his college life.

When, in 1874, Judge Walker decided to withdraw from the Law Faculty, the choice of his successor was a matter of serious consideration. Never had a law school been so fortunate as this in its first faculty, which consisted of Judge Campbell, Judge Walker and Judge Cooley. Professor Kent was in 1874 a member of the Faculty. Mr. Wells was chosen to succeed Mr. Walker. If there was ever any doubt as to his ability to fill the chair to which he was called, it was soon dispelled when he began his work. His clearness of exposition, his felicity of definition and statement, and, when needed, his wealth of illustration and beauty of diction made him one of the most instructive and attractive of lecturers.

As an orator for special occasions, where dignity and seriousness in eloquence were required, he had no superior, perhaps no equal, in Michigan. I recall several of his speeches as among the happiest, both in manner and in matter, that I ever heard anywhere. I might make special mention of a speech on Spain, which he made at the banquet given to Senator Palmer, when he was appointed minister to that country. Though it was a very late hour when he was called on, he summed up the chief events of the romantic history of that nation in language whose force and whose beauty impressed the auditors most profoundly. If the style of eloquence which he cultivated belonged rather to the school of the past generation, in which he had been trained in New England, it must be confessed that he was a perfect master of that style, and used it with marked power.

I have often thought—perhaps I may be wrong in this—

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that the cast of his mind was so academic that he was more eminently suited to the life of the University than to that of the court room, or that at least the former was more congenial to him than the latter. When he came to chat with me, as I am happy to say he did not infrequently, his conversation turned naturally to the lives and achievements of great orators and advocates and judges and statesmen, or to questions of constitutional and international law. Upon such themes he discoursed with a fulness of knowledge and a fervor of spirit which showed that they formed the habitual subjects of his reading and thought. I need not say that it was always a happy moment to me when I saw him entering my door, for I knew that a happy half-hour of his fine talk was before me.

This has indeed been a year of affliction for the University. Winchell and Wells have been taken from us. But the power of these men who have wrought so long and so faithfully has not ended with their death. The memory and the influence of their work abide here and will long abide to illumine and enrich and cheer us who still remain."

BY PROFESSOR LEVI T. GRIFFIN.

Tribute to the late Professor Wm. P. Wells, at a Meeting of the Detroit Bar Association, March 5, 1891.

I hardly think I ought to let this occasion pass without addressing some remarks to the memory of our deceased friend. By custom and pre-arrangement, the late Mr. Wells was announced at the Law Department of the State University for a lecture on Wednesday. On Monday he called upon me and asked that he might be relieved, as he was necessarily employed before Judge Reilly on the morning of Wednesday; but expressed a willingness to take Thursday. I acceded to his request, and telegraphed the change accordingly. In conformity with the reply message, I wrote him a line that Thursday was provided for, but Friday was open. Under-

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neath that note, which I hold in my hand, he has written: "Will take Friday with pleasure. Wells." The words at that time seemed to me of no special importance; but, in the light of the event which has since transpired, they seem like the golden flicker of a departing sunbeam.

You can imagine how two hundred or more students of the senior class, as well as myself, were shocked and stunned on the receipt of the telegram, and the announcement just about this hour yesterday, of the sudden demise of their admired friend. It belongs to the amenities of the profession, to the respect, the esteem, the love and attachment we have for each other, that the privilege is accorded me in this numerous assembly of testifying to his eminent worth, his classical learning, his consideration for the feeling of others, and the value of his friendship, and above all to his loyalty and devotion to his task as instructor, and to the charming impressiveness of the words that have fallen from his lips, even in expounding and enforcing the principles of English and American jurisprudence.

I need not, Mr. Chairman, speak of his culture. I need not witness to his silver tongue, of which he was master, and with which he delighted and bewitched an audience, nor to the persuasive utterances with which he could convince. Surely as to these thinge we, like the apostles in the temple, are all in one accord at all times and under all circumstances, ready with gladness of heart to bear our willing testimony.

But it has been said that our friend was distant in manner and not easy of approach. Talk of this kind becomes current in a community concerning a public or quasi-public man; but like counterfeit money it is hard to trace its paternity, and still harder to find it confirmed by personal experience. I believe it was a mistake, and in support of that belief I call to witness the testimony of every student over whom he has been placed, and every gradation of service from the janitor to the librarian, up through the Law Faculty to the President of the University.

In important deliberations of the Law Faculty, and there have been many, while he was always willing to take an active

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part in the discussion, and was free in the expression of opinion, there never was the slightest obtrusiveness of manner, imperiousness of dictation, or stubbornness of opinion. In my personal intercourse with him he has been more than courteous, more than kind, a staunch friend, uniform in his interpretations of the claims and recognition of friendship, and always ready and willing to aid and encourage.

It is probable, Mr. Chairman, that like other men he had his trials and struggles and disappointments in life, the circumstances and incidents of which the world knew little of, and therefore the world cannot fairly judge or interpret the temporary attitudes or phases of character which it may have observed.

I of course knew him in my early days, for I found him here in the active practice of his profession when I came a young student in 1857; I found him still pursuing that profession when I returned from army service in 1865. I have heard him at the bar, from the rostrum, and upon the stump; I have known him as a lecturer in the Law Department in 1874 and 1876, and as a professor of law from 1876 to 1885; yet it is only, perhaps, from 1887 that I may really be said to have known him so well, since which time I have known him in the intimacy of friendship; and, take him all in all, the bar of Detroit stands afflicted to-day with a severe and crushing loss, the like of which has not occurred for many years, and which it will take many years to repair. It remains, Mr. Chairman, for our younger members, stimulated by his high attainments and his splendid culture, to bend their energies in the direction of the best thought, the best study, and the best learning, that they may become equipped to fill the place and follow the footsteps of our departed friend; and it becomes us all, touched by this sudden and terrible bereavement, to soften the asperities of the profession, to reconcile the apparent antagonism which a heated litigation engenders with a calm, considerate friendship for each other, that we may, when life is over, leave behind us a memory which, like a sweet perfume, shall make fragrant through all time the places that have known us.

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RESPONSE TO THE TOAST, "SPAIN."

BY HON. WILLIAM P. WELLS.

Response to a Toast given at a Banquet, April 25, 1889, in honor of Hon. Thomas W. Palmer, on the occasion of his departure as Minister to Spain.

MR. PRESIDENT, MR. PALMER, AND GENTLEMEN:

Spain! As we utter the word and read the felicitous lines that accompany the toast, there is unfolded to the imagination a vast panorama of power and splendor and renown. How vain for me to attempt to add, by feebler description, a single lineament of grace or beauty to that resplendent record which has been the engaging theme of the historian, the traveler, the poet, and the painter, who have endeavored to portray the history of one of the greatest and most interesting of modern nations.

That history stretches from the very dawn of civilization to our own time. The adventurous Phœnicians sought the rewards of commerce upon the coasts of Iberia and named the Pillars of Hercules as the boundary between the known world and unknown seas. The conquering legions of Rome, led by the Scipios and Caesar, subdued the land, after a contest with Carthage, and established in Spain, as everywhere, the Roman authority. To the later line of Roman emperors Spain gave some of the greatest names, and flourished under Trajan and Hadrian, Antonius and Marcus Aurelius. Meantime Christianity, advancing to its early supremacy in the world, had penetrated the country, and under Constantine the Great settled municipal institutions and Roman citi-

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zenship in a thousand cities, made Spain a strong and important portion of the empire. The grandeur of Roman citizenship is to-day attested, throughout Spain, by the ruins of palaces and monuments, roads, bridges and aqueducts, theatres and arches, the wonders of human genius.

The overwhelming wave of Gothic invasion swept out the Roman power, and for three centuries Spain endured the conflicts, the intrigues, and the despotism of the Visigoths. Not even the Christian Church, to which they professed to adhere, could save this tempestuous race from their fate. Then swept westward the triumphant march of Islam; then followed eight hundred years of Arabian dominion in the fairest portions of Spain. In the beginning it was almost entirely subdued by the Moslem conquests, but Catholic kings and their loyal subjects converted the Mahometan ascendency for the eight centuries of which I have spoken and gradually won back the conquered provinces; so that there existed side by side two great sovereignties, Moslem and Christian, which could not exist together; one or the other must finally possess the whole of Spain; and upon that conflict was suspended the question whether the Cross or the Crescent should prevail in Western Europe. History acknowledges that in its importance to modern civilization the subjugation of the Moors in the reign of Ferdinand and Isabella is among the greatest, as it is the most romantic, of the episodes of modern history. In these centuries the Moors had builded in Spain a fabric of Mahometan civilization, opulent and prosperous, famed for learning and science, brilliant in the arts, glorious and gracious in chivalry. It all went down before the constancy, enthusiasm, and valor of Spanish Christendom, but it lives forever in the memory of mankind. The Moslem empire died in the last struggle and when the conquest of Granada was accomplished the Cross was triumphant, but the ten years of that struggle has rivalled the claims of the "tale of Troy divine," upon the sympathies and tears of succeeding generations. And then, out of all these centuries of vicissitude, out of the descendants of all these races, rose "a new and more spendid feudal empire,

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illustrated by Christian chivalry and memorable for its early recognition of municipal rights, constitutional liberty, the power of faith, and the energy of discovery." This was the Spanish nation which, under Charles V. and the Philips, became so powerful in Europe, and whose more recent history, under the Hapsburgs and the Bourbons, has been a record of varying vicissitudes, including some of the darkest, as well as brightest, aspects of national life. Through it all the Spanish race has preserved and manifested its high qualities of courage, pride of character, strenuous energy, and, in later days, aspirations for civil liberty and republican institutions.

If we consider what Spain has done in the supreme fields of intellectual achievement, in its contributions to the nobler treasures of civilization, how much we behold that has appealed and still appeals to the admiration of succeeding generations. The Spanish mind has always been fruitful. When the intellectual life of Rome was decaying, Spain gave an impulse to the later Roman literature which will be remembered so long as philosophers study the writings of Seneca, or orators dwell upon the precepts of Quintilian. Under the Moors art and science flourished. In the following centuries the rich literature of Spain was produced, the history of which has employed the pen of a historian, and which has been revealed to us in the pages of Ticknor and Prescott and Irving. That literature, like every literature, has grown out of and conformed to the national character. The pride and haughtiness of the people, their enthusiasm and courage, their tenacity in defense of their rights and liberties, their chivalry and grandeur, are reflected in it. Its early productions recount the long conflicts of the Moorish and Christian arms; in its best era the splendor of the feudal courts is displayed in chronicle and poem. Every element that can give richness to literature belonged to Spain; a romantic past, scenery and climate of surpassing variety and beauty, the memories of many heroic periods, everything, except civil liberty, that could nourish and stimulate high literary effort. And every strain of noble production was in it. The

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ancient poetic chronicles and ballads are alive with the blare of trumpets and the noise of battle, and the music of flutes—breathes in the lines of the poets of Spain's best age. Spain from the earliest times was the home of students and the seat of scholarship. There, as elsewhere in Europe, in the middle ages, the Church kept alive the flame of learning. The University of Salamanca rivalled Bologna and Paris and Oxford. Art owes much to the genius of Spain. Her architecture, oriental, mediaeval, and modern, will be famous so long as the Alhambra is beheld or remembered, or men meet for worship in cathedral temples. The faces of monarchs and chieftains look upon us through the portraits of Velasquez; his religious paintings receive the homage of the world; celestial loveliness smiles upon us from the canvas of Murillo; the fame of Spanish painting belongs to the same record that contains the names of Raphael and Michael Angelo, who lifted the mighty dome. Everywhere throughout the land are matchless productions of the arts, which are the envy of other nations. The influence of Spain upon modern continental art has been great, and Spanish art can boast that its former glories are not decayed when our time has seen the productions of Fortuny.

The relations of Spain to our own country have been, and must continue to be, most important. The American continent, discovered by navigators like Columbus, Ponce de Leon, and Cortez, who were impelled by the love of wealth, the enthusiasm and the spirit of adventure which filled the Spanish mind in the fifteenth and sixteenth centuries, may be said to be the child of Spain. Their enterprise, daring, and glorious success lifted the Spanish empire to the loftiest heights of power and strength in colonial possessions. Our own Louisiana was once the property of Spain. All honor to the munificence and sagacity of the Spanish sovereigns, which was the very beginning of our American history, will be the sentiment of our people forever. Our relations with Spain for a hundred years have been cordial and friendly. Spain, like France, aided us in the Revolution, and at those impressive ceremonies of the inauguration of George Wash-

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ington, soon to be commemorated, the Spanish Ambassador stood side by side with the Envoy of France with sympathy and congratulations for the new Republic. In commercial relations our policy toward Spain is one of concord and amity. In the aspirations of Spain for larger constitutional liberty, which glow in the hearts and inspire the eloquence of statesmen and orators like Castelar, we must continue to feel a profound interest. The day may come when this nation may stretch out the hand of fraternal greeting to a Spanish Republic. We rejoice that Spain is as strong and hopeful as she is, and believe, as our own Ticknor has written, that "the law of progress is over Spain for good or evil, as it is over all the nations of the earth; that her destiny is in the hands of God and will be fulfilled; that with her great material resources, her high-spirited people, the same race that twice drove back the Crescent from the shores of Europe, and twice saved from shipwreck the cause of Christian civilization, has yet a great and prosperous future."

To this ancient nation, bound to us by ties of mutual respect and friendship, our guest, by the choice of the chief magistrate, chief alike of his party and the state, now departs as minister, to represent our nation and interpret its sentiments towards Spain. And, Mr. President, if you will permit me to say it, neither Spain, nor our relations to Spain, is the dominant theme of the hour. This scene of light and beauty, this gathering of citizens, is a manifestation of our civic pride in the man, not the Minister. Ever since his appointment, ever since he has been in public life, for that matter, commendations have been falling upon him like the shower of gold upon Danae, the daughter of the King of Argos. But in the ancient mythology the shower of gold was only a beam of golden light, and in such a light the life of our friend has been revealed to us; a life of full, high aspirations and successful endeavor, of helpful kindness and unostentatious beneficence. It is much to have achieved success in political life, but the honors of public life, as he will acknowledge, are not the greatest things. It is more to have appreciated the opportunities for usefulness which public

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life affords; to have cherished, with the enjoyment of wealth, a sense of its responsibilities, and in public and in private life, and in every arena, to have preserved that admiration for noble things, that contempt for shams, and that simplicity of character which are the surest marks of a commanding spirit. It is to honor all this that we are here to-night. We honor ourselves by such a tribute. We do not need the assurance of our friend that he will not forget this scene. We know that all that he encounters, all that he beholds in Spain, its antiquity, its scenery, its art, its social life, not any of them, nor all of them together, will win him away from memories of home. As he goes forth to his high duties, as he treads the soil where as a youthful student his footsteps wandered, when he little dreamed of the distinction awaiting him; as the cathedral bells of Madrid call him to meditation in the twilight, the remembrance of this hour will be with him. And we know him less than we have supposed if we are not sure that he will value this manifestation of the esteem and confidence of his fellow citizens, far beyond this distinction, proud as it is, of representing the American Republic at the royal court of Spain.

These are the sentiments with which we bid him farewell, hoping that favoring winds may fill his out-going and incoming sails, trusting that the Divine protector may overshadow him and his; and these are the feelings with which, when he returns to us, we shall bid him, Welcome Home!

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RESOLUTION,

Adopted at Topeka, Kansas, June 10, 1891.

Resolved, By the Southwestern Alumni Association of the University of Michigan, that the members of this Association mourn with deep and profound regret the death of their former instructor. That in the death of William P. Wells the students of the University of Michigan have lost a great teacher; the Alumni, a true and real friend; the State of Michigan, a loyal citizen; the bar of America, a profound and brilliant lawyer; and the world—a man.

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